

1 Nanci L. CLARENCE (SBN 122286)
2 NICOLE HOWELL NEUBERT (SBN 246078)
3 Clarence Dyer & Cohen LLP
4 899 Ellis Street
5 San Francisco, CA 94109
6 Tel: (415) 749-1800
7 Fax: (415) 749-1694
8 nclarence@clarencedyer.com
9 nhneubert@clarencedyer.com

10 Attorneys for Defendant
11 ELENA MORENO

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 FIDENCIO MORENO, et al.,

19 Defendant.

CASE NO. CR-12-00750-03-LHK

20 **STIPULATION AND ~~[PROPOSED]~~**
21 **ORDER CONTINUING MOTIONS**
22 **HEARING**

23 TO THE HONORABLE COURT, THE CLERK OF THE COURT, AND TO ALL PARTIES
24 AND THEIR ATTORNEYS OF RECORD:

25 Undersigned defense and government counsel hereby stipulate and request that the current
26 motions hearing and corresponding briefing schedule be modified as set forth in the table below.

27 A Proposed Order follows.

28 This stipulation is based upon the following:

1. Immediately following the last appearance in this matter, defense counsel inspected the
original evidence at government offices and requested copies of certain documents. The inspection
appears sufficient for the issues counsel expects to present to the Court.

2. On April 3, 2013, the government provided additional discovery as requested, consisting of

1 more than six thousand pages of documents, including materials relevant to the intended filing.
2 Defense counsel have been reviewing those materials.

3 3. Defense counsel have jointly and diligently pursued preparation, including but not limited
4 to conferring and exchanging information and legal authority.

5 4. In the process of research and drafting, counsel have determined that certain legal issues
6 are better and more clearly raised, answered and decided by the filing of two sets of papers rather
7 than one very long memorandum of points and authorities. In addition, counsel have determined it
8 is not feasible to meet the current filing date.
9

10 5. On Friday, April 5, 2013, defense counsel conferred with the Courtroom Deputy and
11 learned that the new proposed hearing date is the next available for the Court.

12 6. On Monday, April 8, 2013, defense counsel conferred with SAUSA Charles Parker, who
13 agrees to the modification of dates and jointly stipulates to this request.
14

15 This is the first request for additional time in connection with the instant motions.
16 Defendants are not in custody. Undersigned defense counsel believe that the additional time is
17 necessary to the interests of justice and for effective preparation of counsel, and is sufficient to
18 complete the preparation of the motions to be filed at that time. Government counsel does not
19 object. The current and proposed new dates are as follows:

| Event | Current Date | Proposed Date |
|-----------------------------------|-------------------------|---------------------------|
| Defense files opening brief | April 10, 2013 | May 1, 2013 |
| Government files opposition | April 24, 2013 | May 15, 2013 |
| Defense files reply brief | May 1, 2013 | May 22, 2013 |
| Status Conference/Motions Hearing | May 15, 2013, 9:00 a.m. | June 5, 2013 at 9:00 a.m. |

1 For these reasons, IT IS STIPULATED AND AGREED that time under the Speedy Trial
2 Act be excluded from May 15, 2013 until June 5, 2013, because the ends of justice
3 outweigh the best interest of the public and the defendant in a speedy trial, for effective
4 preparation of defense counsel, and taking into account the exercise of due diligence. 18 U.S.C.
5 § 3161(h)(7)(A) and (B)(iv).
6

7 Respectfully submitted,
8

9 Dated: April 8, 2013

SIDEMAN & BANCROFT LLP

10 /s/ Jay R. Weill

Jay R. Weill

11 Attorneys for Defendant Fidencio Moreno
12

13 Dated: April 8, 2013

LAW OFFICE OF LELAND B. ALTSCHULER

14 /s/ Leland B. Altschuler

Leland B. Altschuler

15 Attorneys for Defendant Arturo Moreno
16

16 Dated: April 8, 2013

CLARENCE DYER & COHEN LLP

17 /s/ Nanci L. Clarence

Nanci L. Clarence

18 Attorneys for Defendant Elena Moreno
19

20 Dated: April 8, 2013

MELINDA HAAG

UNITED STATES ATTORNEY

21
22 /s/ Charles W. Parker

Charles W. Parker

23 Special Assistant United States Attorney

24 Tax Division
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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 FIDENCIO MORENO, et al.,

13 Defendant.
14

CASE NO. CR-12-00750-03-LHK

~~[PROPOSED]~~ ORDER

15 Good cause appearing therefore, IT IS ORDERED that time under the Speedy Trial act be
16 excluded until from May 15, 2013 through and including June 5, 2013, because the interests of
17 justice outweigh the best interests of the public and defendant in a speedy trial, for effective
18 preparation of defense counsel, and taking into account the exercise of due diligence. 18 U.S.C. §
19 3161(h)(7)(A) and (B)(iv). Defense counsel shall notify their clients of the new dates and that
20 they are ORDERED to appear at the new hearing.
21

22
23 DATED: April 9, 2013

24 
HONORABLE LUCY H. KOH
United States District Judge